HOUSE BILL No. 1199

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-13; IC 5-8-5.

Synopsis: Vacancies caused by death. Establishes a procedure for any person to give notice of the death of an elective or a judicial officer to begin the process of filling the vacancy in office. Changes the time limit for holding a meeting or caucus to fill a vacancy. Provides that the person or body required to fill a vacancy due to the death of the officer may do so before notice is given if the person or body is aware of the vacancy.

Effective: July 1, 2002.

Dillon

January 10, 2002, read first time and referred to Committee on Rules and Legislative Procedures.





Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1199

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- SECTION 1. IC 3-13-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) **This section applies to** a vacancy that occurs other than by resignation, in a state office other than governor, lieutenant governor, or a judicial office.
- (b) If a state officer wants to resign from office, the state officer must resign as provided in IC 5-8-3.5.
- (c) A vacancy that occurs in a state office because of the death of the state officer may be certified to the governor under IC 5-8-5.
- (d) A vacancy that occurs in a state office other than by resignation or death shall be certified to the governor by the circuit court clerk of the county in which the officer resided.
- (b) (e) The governor shall fill a vacancy in a state office other than governor, lieutenant governor, or a judicial office shall be filled by appointment by the governor by appointment. The governor may fill a vacancy as provided by law as soon as the governor becomes aware of the vacancy.
 - (f) The person who is appointed by the governor holds office for



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1	the remainder of the unexpired term and until a successor is elected and
2	qualified.
3	SECTION 2. IC 3-13-5-1, AS AMENDED BY P.L.26-2000,
4	SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5	JULY 1, 2002]: Sec. 1. (a) A vacancy in a legislative office shall be
6	filled by a caucus comprised of the precinct committeemen from the
7	senate or house district where the vacancy exists who represent the
8	same political party that elected or selected the person who held the
9	vacated seat.
10	(b) Not later than thirty (30) days after the vacancy occurs (or as
11	provided in subsection subsections (c) and (d)), the caucus shall meet
12	and select a person to fill the vacancy by a majority vote of those
13	casting a vote for a candidate, including vice committeemen eligible to
14	vote as a proxy under section 5 of this chapter.
15	(c) A state chairman may give notice of a caucus before the time
16	specified under subsection (b) if a vacancy will exist because the
17	official has:
18	(1) submitted a written resignation under IC 5-8-3.5 that has not
19	yet taken effect; or
20	(2) been elected to another office.
21	(d) If a vacancy in a legislative office exists because of the death
22	of the legislator, the caucus shall meet and select an individual to
23	fill the vacancy not later than thirty (30) days after the state
24	chairman receives a notice of the death from the secretary of state
25	under IC 5-8-5. If the state chairman is aware of the legislator's
26	death before receiving a notice of the death from the secretary of
27	state, the state chairman may hold the caucus before receiving a
28	notice of the death. The state chairman shall keep the notice of the
29	death with the records of the caucus.
30	(d) (e) Notwithstanding IC 5-8-4, a person may not withdraw the
31	person's resignation after the resignation has been accepted by the
32	person authorized to accept the resignation less than seventy-two (72)
33	hours before the announced starting time of the caucus under this
34	chapter.
35	(e) (f) The person selected must reside in the district where the
36	vacancy occurred.

SECTION 3. IC 3-13-6-1 IS AMENDED TO READ AS FOLLOWS

(b) If a judge wants to resign from office, the judge must resign

[EFFECTIVE JULY 1, 2002]: Sec. 1. (a) As used in this section,

"judge" refers to a judge of a circuit, superior, probate, or county



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court.

as provided in IC 5-8-3.5.

1	(c) A vacancy that occurs by the death of a judge may be
2	certified to the governor under IC 5-8-5.
3	(d) A vacancy that occurs other than by resignation in the office or
4	death of a judge of a circuit, superior, probate, or county court shall be
5	certified to the governor by the circuit court clerk of the county in
6	which the judge resided.
7	(b) (e) A vacancy in the office of judge of a circuit court shall be
8	filled by the governor as provided by Article 5, Section 18 of the
9	Constitution of the State of Indiana. The person who is appointed holds
10	the office until:
11	(1) the end of the unexpired term; or
12	(2) a successor is elected at the next general election and
13	qualified;
14	whichever occurs first. The person elected at the general election
15	following an appointment to fill the vacancy, upon being qualified,
16	holds office for the six (6) year term prescribed by Article 7, Section 7
17	of the Constitution of the State of Indiana and until a successor is
18	elected and qualified.
19	(e) (f) A vacancy in the office of judge of a superior, probate, or
20	county court shall be filled by the governor subject to the following:
21	(1) IC 33-5-5.1-37.1.
22	(2) IC 33-5-5.1-41.1.
23	(3) IC 33-5-29.5-39.
24	(4) IC 33-5-40-44.
25	The person who is appointed holds office for the remainder of the
26	unexpired term.
27	(g) Subject to subsections (e) and (f), the governor may fill a
28	vacancy as provided by law as soon as the governor becomes aware
29	of the vacancy.
30	SECTION 4. IC 3-13-7-2 IS AMENDED TO READ AS FOLLOWS
31	[EFFECTIVE JULY 1, 2002]: Sec. 2. (a) This section applies to a
32	vacancy in a county elected office (other than county council) not
33	covered by section 1 of this chapter.
34	(b) A vacancy shall be filled by the board of commissioners of the
35	county at a regular or special meeting. The county auditor shall give
36	notice of the meeting. which Except as provided in subsection (d),
37	the meeting shall be held within not later than thirty (30) days after
38	the vacancy occurs. The notice must:
39	(1) be in writing;
40	(2) state the purpose of the meeting;
41	(3) state the date, time, and place of the meeting; and
42	(4) be sent by first class mail to each commissioner at least ten



1	(10) days before the meeting.
2	(b) (c) Selections made under this section (or under IC 3-2-10-3(a)
3	before its repeal on March 4, 1986) are appointments pro tempore for
4	the purposes of Article 2, Section 11 of the Constitution of the State of
5	Indiana.
6	(d) If a vacancy exists because of the death of an elected county
7	officer, the board of commissioners shall meet and select an
8	individual to fill the vacancy not later than thirty (30) days after
9	the board of commissioners receives a notice of the death under
10	IC 5-8-5. If the board of commissioners is aware of the county
11	officer's death before receiving a notice of the death, the board of
12	commissioners may hold the meeting before receiving the notice of
13	the death.
14	SECTION 5. IC 3-13-7-3 IS AMENDED TO READ AS FOLLOWS
15	[EFFECTIVE JULY 1, 2002]: Sec. 3. (a) This section applies to a
16	vacancy in a county council not covered by section 1 of this chapter.
17	(b) A vacancy shall be filled by a majority of the remaining
18	members of the council at a regular or special meeting. The county
19	auditor shall give notice of the meeting. which Except as provided in
20	subsection (c), the meeting shall be held within not later than thirty
21	(30) days after the vacancy occurs. The notice must:
22	(1) be in writing;
23	(2) state the purpose of the meeting;
24	(3) state the date, time, and place of the meeting; and
25	(4) be sent by first class mail to each council member at least ten
26	(10) days before the meeting.
27	(c) If a vacancy exists because of the death of a county council
28	member, the county council shall meet and select an individual to
29	fill the vacancy not later than thirty (30) days after the county
30	auditor receives a notice of the death under IC 5-8-5. If the county
31	auditor is aware of the county council member's death before
32	receiving a notice of the death, the county council may hold the
33	meeting before the county auditor receives the notice of the death.
34	SECTION 6. IC 3-13-8-2 IS AMENDED TO READ AS FOLLOWS
35	[EFFECTIVE JULY 1, 2002]: Sec. 2. (a) As used in this section,
36	"judge" refers to a judge of a city court.
37	(b) If a judge wishes to resign from office, the judge must resign
38	as provided in IC 5-8-3.5.
39	(c) A vacancy that occurs by the death of a judge may be
40	certified to the governor under IC 5-8-5.
41	(d) A vacancy that occurs other than by resignation in the office or
42	death of a judge of a city court shall be certified to the governor by the



circuit court clerk of the county in which the jud	•
2 (b) (e) A vacancy in the office of judge of a ci	-
by the governor. The governor may fill a vac	
4 law as soon as the governor becomes aware of	•
5 SECTION 7. IC 3-13-8-3 IS AMENDED TO I	
6 [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) This	
7 vacancy in the office of mayor of a first class	s city not covered by
8 section 1 of this chapter.	
9 (b) The vacancy shall be filled by the cit	-
regular or special meeting. The city clerk sha	all give notice of the
11 meeting. which Except as provided in subsec	tion (d), the meeting
shall be held within not later than thirty (30) of	days after the vacancy
occurs. The notice must:	
14 (1) be in writing;	
15 (2) state the purpose of the meeting;	
16 (3) state the date, time, and place of the me	eeting; and
17 (4) be sent by first class mail to each counc	eil member at least ten
18 (10) days before the meeting.	
19 (b) (c) The city clerk shall preside at the mee	eting but may not vote
20 unless there is a tie vote among the members	
21 council must appoint one (1) of its own members	to the office. Until the
vacancy is filled, the president of the council	
23 mayor.	•
24 (d) If a vacancy exists because of the dea	th of the mayor, the
council shall meet and select an individual to	_
26 later than thirty (30) days after the city clerl	
27 the death under IC 5-8-5. If the city clerk is a	
death before receiving the notice of the death,	
the meeting before the city clerk receives the	•
30 SECTION 8. IC 3-13-8-4 IS AMENDED TO I	
31 [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) This	s section applies to a
vacancy in the city-county council of a first cla	
33 section 1 of this chapter.	, ,
34 (b) A vacancy shall be filled by a major	rity of the remaining
members of the council at a regular or special m	-
shall give notice of the meeting. which Exc	
37 subsection (c), the meeting shall be held within	
38 (30) days after the vacancy occurs. The notice r	
39 (1) be in writing;	
40 (2) state the purpose of the meeting;	
10 (2) state the purpose of the meeting.	
41 (3) state the date, time, and place of the me	eeting; and



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1	(10) days before the meeting.
2	(c) If a vacancy exists because of the death of a council member,
3	the council shall meet and select an individual to fill the vacancy
4	not later than thirty (30) days after the city clerk receives a notice
5	of the death under IC 5-8-5. If the city clerk is aware of the council
6	member's death before receiving a notice of the death, the council
7	may hold the meeting before the city clerk receives the notice of the
8	death.
9	(b) (d) The appointed member serves until a successor is elected
10	and qualified at the next municipal or general election, whichever
11	occurs first. The successor serves from noon January 1 following that
12	election to noon January 1 following the next municipal election, as
13	provided in IC 36-3-4-2. The persons appointed and elected must be
14	resident voters in the district where the vacancy occurred, unless the
15	vacancy occurred in an at large seat.
16	SECTION 9. IC 3-13-8-5 IS AMENDED TO READ AS FOLLOWS
17	[EFFECTIVE JULY 1, 2002]: Sec. 5. (a) This section applies to a
18 19	vacancy in the office of mayor of a second class city not covered by
20	section 1 of this chapter.
21	(b) A vacancy shall be filled as follows:
22	(1) If the city has a deputy mayor, the deputy mayor assumes the office for the remainder of the unexpired term.
23	(2) If the city does not have a deputy mayor, the city controller
24	assumes the office for the remainder of the unexpired term.
25	(3) If the city does not have a deputy mayor and the office of city
26	controller is vacant, the common council shall fill the vacancy at
27	a regular or special meeting.
28	(b) (c) The city clerk shall give notice of the meeting required under
29	subsection (a)(3). which Except as provided in subsection (d), the
30	meeting shall be held within not later than thirty (30) days after the
31	vacancy occurs. The notice must:
32	(1) be in writing;
33	(2) state the purpose of the meeting;
34	(3) state the date, time, and place of the meeting; and
35	(4) be sent by first class mail to each council member at least ten
36	(10) days before the meeting.
37	(d) If a vacancy exists because of the death of the mayor, the
38	council shall meet and select an individual to fill the vacancy not
39	later than thirty (30) days after the city clerk receives a notice of
40	the death under IC 5-8-5. If the city clerk is aware of the mayor's
41	death before receiving a notice of the death, the council may hold

the meeting before the city clerk receives the notice of the death.



1	(e) Until the vacancy is filled, the council shall designate one (1)
2	of its members to serve as acting mayor.
3	SECTION 10. IC 3-13-8-7 IS AMENDED TO READ AS
4	FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) This section
5	applies to a vacancy in the common council of a second class city not
6	covered by section 1 of this chapter.
7	(b) A vacancy shall be filled by the remaining members of the
8	council at a regular or special meeting. The city clerk shall give notice
9	of the meeting. which Except as provided in subsection (c), the
10	meeting shall be held within not later than thirty (30) days after the
11	vacancy occurs. The notice must:
12	(1) be in writing;
13	(2) state the purpose of the meeting;
14	(3) state the date, time, and place of the meeting; and
15	(4) be sent by first class mail to each council member at least ten
16	(10) days before the meeting.
17	(c) If a vacancy exists because of the death of a council member,
18	the council shall meet and select an individual to fill the vacancy
19	not later than thirty (30) days after the city clerk receives a notice
20	of the death under IC 5-8-5. If the city clerk is aware of the council
21	member's death before receiving the notice of the death, the
22	council may hold the meeting before the city clerk receives the
23	notice of the death.
24	SECTION 11. IC 3-13-8-8 IS AMENDED TO READ AS
25	FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) This section
26	applies to a vacancy in the office of mayor of a third class city not
27	covered by section 1 of this chapter.
28	(b) A vacancy shall be filled as follows:
29	(1) If the city has a deputy mayor, the deputy mayor assumes the
30	office for the remainder of the unexpired term.
31	(2) If the city does not have a deputy mayor, the common council
32	shall fill the vacancy at a regular or special meeting.
33	(b) (c) The city clerk-treasurer shall give notice of the meeting
34	required under subsection (a)(2). which Except as provided in
35	subsection (d), the meeting shall be held within not later than thirty
36	(30) days after the vacancy occurs. The notice must:
37	(1) be in writing;
38	(2) state the purpose of the meeting;
39	(3) state the date, time, and place of the meeting; and
40	(4) be sent by first class mail to each council member at least ten
41	(10) days before the meeting.
42	(d) If a vacancy exists because of the death of the mayor, the



1	council shall meet and select an individual to fill the vacancy not
2	later than thirty (30) days after the city clerk-treasurer receives a
3	notice of the death under IC 5-8-5. If the city clerk-treasurer is
4	aware of the mayor's death before receiving a notice of the death,
5	the council may hold the meeting before the city clerk-treasurer
6	receives the notice of the death.
7	(c) (e) Until the vacancy is filled, the council shall designate one (1)
8	of its members to serve as acting mayor.
9	SECTION 12. IC 3-13-8-10 IS AMENDED TO READ AS
10	FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) This section
11	applies to a vacancy in the common council of a third class city not
12	covered by section 1 of this chapter.
13	(b) A vacancy shall be filled by the remaining members of the
14	council at a regular or special meeting. The city executive may break
15	any tie vote.
16	(b) (c) The city clerk-treasurer shall give notice of the meeting.
17	which Except as provided in subsection (d), the meeting shall be
18	held within not later than thirty (30) days after the vacancy occurs.
19	The notice must:
20	(1) be in writing;
21	(2) state the purpose of the meeting;
22	(3) state the date, time, and place of the meeting; and
23	(4) be sent by first class mail to each council member at least ten
24	(10) days before the meeting.
25	(d) If a vacancy exists because of the death of a council member,
26	the council shall meet and select an individual to fill the vacancy
27	not later than thirty (30) days after the city clerk-treasurer
28	receives a notice of the death under IC 5-8-5. If the city
29	clerk-treasurer is aware of the council member's death before
30	receiving a notice of the death, the council may hold the meeting
31	before the city clerk-treasurer receives the notice of the death.
32	SECTION 13. IC 3-13-9-2 IS AMENDED TO READ AS
33	FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) This section
34	applies to a vacancy in the office of judge of a town court that is:
35	(1) not covered by section 1 of this chapter; or
36	(2) covered by section 1 of this chapter, but exists existing after
37	the thirtieth day after the vacancy occurs.
38	(b) A vacancy shall be filled by the town council at a regular or
39	special meeting.
40	(b) (c) The town clerk-treasurer shall give notice of the meeting.
41	which Except as provided in subsection (e) or (f), the meeting shall



be held:

1	(1) within not later than thirty (30) days after the vacancy occurs
2	if the vacancy is not covered by section 1 of this chapter; or
3	(2) within not later than sixty (60) days after the vacancy occurs
4	if the vacancy is covered by section 1 of this chapter and exists
5	for more than thirty (30) days.
6	(c) (d) The notice must:
7	(1) be in writing;
8	(2) state the purpose of the meeting;
9	(3) state the date, time, and place of the meeting; and
10	(4) be sent by first class mail to each council member at least ten
11	(10) days before the meeting.
12	(e) Notwithstanding subsection (c), if a vacancy:
13	(1) is not covered by section 1 of this chapter; and
14	(2) exists because of the death of the judge;
15	the council shall meet and select an individual to fill the vacancy
16	not later than thirty (30) days after the town clerk-treasurer
17	receives a notice of the death under IC 5-8-5. If the town
18	clerk-treasurer is aware of the judge's death before receiving a
19	notice of the death, the council may hold the meeting before the
20	town clerk-treasurer receives the notice of the death.
21	(f) Notwithstanding subsection (c), if a vacancy:
22	(1) is covered by section 1 of this chapter;
23	(2) exists because of the death of the judge; and
24	(3) exists for more than thirty (30) days;
25	the council shall meet and select an individual to fill the vacancy
26	not later than sixty (60) days after the town clerk-treasurer
27	receives a notice of the death under IC 5-8-5. If the town
28	clerk-treasurer is aware of the judge's death before receiving a
29	notice of the death, the council may hold the meeting before the
30	town clerk-treasurer receives the notice of the death.
31	SECTION 14. IC 3-13-9-3 IS AMENDED TO READ AS
32	FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) This section
33	applies to a vacancy in the office of town clerk-treasurer:
34	(1) not covered by section 1 of this chapter; or
35	(2) covered by section 1 of this chapter, but existing after the
36	thirtieth day after the vacancy occurs.
37	(b) A vacancy shall be filled by the town council at a regular or
38	special meeting.
39	(b) (c) The president of the town council shall give notice of the
40	meeting. which Except as provided in subsection (e) or (f), the
41	meeting shall be held:
42	(1) within not later than thirty (30) days after the vacancy occurs



1	if the vacancy is not covered by section 1 of this chapter; or
2	(2) within not later than sixty (60) days after the vacancy occurs
3	if the vacancy is covered by section 1 of this chapter and exists
4	for more than thirty (30) days.
5	(c) (d) The notice must:
6	(1) be in writing;
7	(2) state the purpose of the meeting;
8	(3) state the date, time, and place of the meeting; and
9	(4) be sent by first class mail to each council member at least ten
10	(10) days before the meeting.
11	(e) Notwithstanding subsection (c), if a vacancy:
12	(1) is not covered by section 1 of this chapter; and
13	(2) exists because of the death of the town clerk-treasurer;
14	the council shall meet and select an individual to fill the vacancy
15	not later than thirty (30) days after the president of the town
16	council receives a notice of the death under IC 5-8-5. If the
17	president of the town council is aware of the town clerk-treasurer's
18	death before receiving a notice of the death, the council may hold
19	the meeting before the president of the town council receives the
20	notice of the death.
21	(f) Notwithstanding subsection (c), if a vacancy:
22	(1) is covered by section 1 of this chapter;
23	(2) exists because of the death of the town clerk-treasurer;
24	and
25	(3) exists for more than thirty (30) days;
26	the council shall meet and select an individual to fill the vacancy
27	not later than sixty (60) days after the president of the town council
28	receives a notice of the death under IC 5-8-5. If the president of the
29	town council is aware of the town clerk-treasurer's death before
30	receiving a notice of the death, the council may hold the meeting
31	before the president of the town council receives the notice of the
32	death.
33	SECTION 15. IC 3-13-9-4 IS AMENDED TO READ AS
34	FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) This section
35	applies to a vacancy in the town council:
36	(1) not covered by section 1 of this chapter; or
37	(2) covered by section 1 of this chapter, but existing after the
38	thirtieth day after the vacancy occurs.
39	(b) The vacancy shall be filled by the remaining members of the
40	council at a regular or special meeting.
41	(b) (c) The town clerk-treasurer shall give notice of the meeting.
42	which Except as provided in subsection (e) or (f), the meeting shall



1	be held:
2	(1) within not later than thirty (30) days after the vacancy occurs
3	if the vacancy is not covered by section 1 of this chapter; or
4	(2) within not later than sixty (60) days after the vacancy occurs
5	if the vacancy is covered by section 1 of this chapter and exists
6	for more than thirty (30) days.
7	(c) (d) The notice must:
8	(1) be in writing;
9	(2) state the purpose of the meeting;
10	(3) state the date, time, and place of the meeting; and
11	(4) be sent by first class mail to each council member at least ten
12	(10) days before the meeting.
13	(e) Notwithstanding subsection (c), if a vacancy:
14	(1) is not covered by section 1 of this chapter; and
15	(2) exists because of the death of a member of the town
16	council;
17	the council shall meet and select an individual to fill the vacancy
18	not later than thirty (30) days after the town clerk-treasurer
19	receives a notice of the death under IC 5-8-5. If the town
20	clerk-treasurer is aware of the town council member's death before
21	receiving a notice of the death, the council may hold the meeting
22	before the town clerk-treasurer receives the notice of the death.
23	(f) Notwithstanding subsection (c), if a vacancy:
24	(1) is covered by section 1 of this chapter;
25	(2) exists because of the death of a member of the town
26	council; and
27	(3) exists for more than thirty (30) days;
28	the council shall meet and select an individual to fill the vacancy
29	not later than sixty (60) days after the town clerk-treasurer
30	receives a notice of the death under IC 5-8-5. If the town
31	clerk-treasurer is aware of the town council member's death before
32	receiving a notice of the death, the council may hold the meeting
33	before the town clerk-treasurer receives the notice of the death.
34	SECTION 16. IC 3-13-10-2 IS AMENDED TO READ AS
35	FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) This section
36	applies to a vacancy in the office of township trustee not covered by
37	section 1 of this chapter.
38	(b) A vacancy shall be filled by the board of commissioners of the
39	county at a regular or special meeting. The county auditor shall give
40	notice of the meeting. which Except as provided in subsection (c), the
41	meeting shall be held within not later than thirty (30) days after the

vacancy occurs. The notice must:



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1	(1) be in writing;
2	(2) state the purpose of the meeting;
3	(3) state the date, time, and place of the meeting; and
4	(4) be sent by first class mail to each commissioner at least ten
5	(10) days before the meeting.
6	(c) If the vacancy exists because of the death of the township
7	trustee, the board of commissioners shall meet and select an
8	individual to fill the vacancy not later than thirty (30) days after
9	the county auditor receives a notice of the death under IC 5-8-5. If
10	the county auditor is aware of the township trustee's death before
11	receiving a notice of the death, the board of commissioners may
12	hold the meeting before the county auditor receives the notice of
13	the death.
14	SECTION 17. IC 3-13-10-3 IS AMENDED TO READ AS
15	FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) This section
16	applies to a vacancy in the office of township assessor not covered by
17	section 1 of this chapter.
18	(b) A vacancy shall be filled by the county assessor, subject to the
19	approval of the state board of tax commissioners. Except as provided
20	in subsection (c), the county assessor shall make the appointment
21	within not later than thirty (30) days after the vacancy occurs. If the
22	vacancy occurred because the elected township assessor failed to
23	qualify or was removed, the person who is appointed must be of the
24	same political party.
25	(c) If a vacancy exists because of the death of the township
26	assessor, the county assessor shall make the appointment required
27	under subsection (b) not later than thirty (30) days after the county
28	assessor receives a notice of the death under IC 5-8-5. If the county
29	assessor is aware of the township assessor's death before receiving
30	a notice of the death, the county assessor may make the
31	appointment before receiving the notice of the death.
32	SECTION 18. IC 3-13-10-4 IS AMENDED TO READ AS
33	FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) This section
34	applies to a vacancy on the township board of a township not covered
35	by section 1 of this chapter.
36	(b) A vacancy shall be filled by the board of commissioners of the
37	county at a regular or special meeting. The county auditor shall give
38	notice of the meeting. which Except as provided in subsection (c), the
39	meeting shall be held within not later than thirty (30) days after the
40	vacancy occurs. The notice must:
41	(1) be in writing;



(2) state the purpose of the meeting;

1	(3) state the date, time, and place of the meeting; and
2	(4) be sent by first class mail to each commissioner at least ten
3	(10) days before the meeting.
4	(c) If a vacancy exists because of the death of the township
5	board member, the meeting required under subsection (a) shall be
6	held not later than thirty (30) days after the county auditor
7	receives a notice of the death under IC 5-8-5. If the county auditor
8	is aware of the township board member's death before receiving a
9	notice of the death, the board of commissioners may hold the
10	meeting before the county auditor receives the notice of the death.
11	SECTION 19. IC 3-13-10-5 IS AMENDED TO READ AS
12	FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) This section
13	applies to a vacancy in the office of judge of a small claims court or
14	small claims court constable not covered by section 1 of this chapter.
15	(b) A vacancy shall be filled by the township board at a regular or
16	special meeting. The chairman of the township board shall give notice
17	of the meeting. which Except as provided in subsection (c), the
18	meeting shall be held within not later than thirty (30) days after the
19	vacancy occurs. The notice must:
20	(1) be in writing;
21	(2) state the purpose of the meeting;
22	(3) state the date, time, and place of the meeting; and
23	(4) be sent by first class mail to each board member at least ten
24	(10) days before the meeting.
25	(c) If a vacancy exists because of the death of a judge or
26	constable, the meeting required under subsection (b) shall be held
27	not later than thirty (30) days after the chairman of the township
28	board receives a notice of the death under IC 5-8-5. If the
29	chairman of the township board is aware of the judge's or
30	constable's death before receiving a notice of the death, the
31	township board may hold the meeting before the chairman of the
32	township board receives the notice of the death.
33	SECTION 20. IC 3-13-11-3 IS AMENDED TO READ AS
34	FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) Except as
35	provided in subsections (b) and (e), not later than ten (10)
36	days after a vacancy occurs in an office subject to this chapter, the
37	county chairman:
38	(1) of the county in which the greatest percentage of the
39	population of the election district of the office is located; and
40	(2) of the same political party that elected or selected the official
41	who vacated the office;
42	shall give notice of a caucus to all eligible precinct committeemen.



1	(b) A county chairman may give notice of a caucus before the time
2	specified under subsection (a) if a vacancy will exist because the
3	official has:
4	(1) submitted a written resignation under IC 5-8-3.5; or
5	(2) been elected to another office.
6	(c) Notwithstanding IC 5-8-4, a person may not withdraw the
7	person's resignation after the resignation has been accepted by the
8	person authorized to accept the resignation less than seventy-two (72)
9	hours before the announced starting time of a caucus under this section.
10	(d) Except as provided in subsection (e), a caucus under this
11	section shall be held after giving notice to caucus members under
12	section 4 of this chapter and not later than thirty (30) days after the
13	vacancy occurs.
14	(e) If a vacancy exists in an office because of the death of the
15	official, the caucus shall meet and select an individual to fill the
16	vacancy not later than thirty (30) days after the county chairman
17	receives a notice of the death under IC 5-8-5. If the county
18	chairman is aware of the official's death before receiving a notice
19	of the death, the caucus may meet before the county chairman
20	receives the notice of the death. The county chairman shall give
21	notice to caucus members under section 4 of this chapter. The
22	county chairman shall keep the notice of the death with the records
23	of the caucus.
24	SECTION 21. IC 5-8-5 IS ADDED TO THE INDIANA CODE AS
25	A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
26	1, 2002]:
27	Chapter 5. Notice of the Death of an Officeholder
28	Sec. 1. This chapter applies when a vacancy must be filled
29	under:
30	(1) IC 3-13-4;
31	(2) IC 3-13-5;
32	(3) IC 3-13-6;
33	(4) IC 3-13-7;
34	(5) IC 3-13-8;
35	(6) IC 3-13-9;
36	(7) IC 3-13-10; or
37	(8) IC 3-13-11;
38	due to the death of an elective or a judicial officer.
39	Sec. 2. As used in this chapter, "officeholder" refers to an
40	elective or a judicial officer.
41	Sec. 3. (a) Any person who knows of the death of an officeholder
42	may certify the death to the following:



1	(1) The governor, in the case of the death of any of the
2	following:
3	(A) An individual who holds a state office (as defined in
4	IC 3-5-2-48).
5	(B) An individual who is a judge of a circuit, superior,
6	probate, county, or city court.
7	(2) The secretary of state, in the case of the death of an
8	individual who holds a legislative office.
9	(3) The circuit court clerk of the county in which the
10	officeholder resided, in the case of the death of an officeholder
11	of a county, city, town, or township not covered under
12	subdivision (1).
13	(b) A person who certifies the death of an officeholder shall:
14	(1) state the information the person has to believe the
15	officeholder has died; and
16	(2) certify, under the penalties for perjury, that to the best of
17	the person's knowledge and belief, the information stated is
18	true.
19	Sec. 4. When the governor:
20	(1) obtains information concerning the death of an individual
21	who:
22	(A) holds a state office (as defined in IC 3-5-2-48); or
23	(B) is a judge of a circuit, superior, probate, county, or city
24	court; and
25	(2) is reasonably satisfied that the information described in
26	subdivision (1) is true;
27	the governor shall fill the vacancy as provided by law.
28	Sec. 5. (a) When the secretary of state:
29	(1) obtains information concerning the death of an individual
30	who holds a legislative office; and
31	(2) is reasonably satisfied that the information described in
32	subdivision (1) is true;
33	the secretary of state shall give notice of the death to the state
34	chairman of the political party that elected or selected the deceased
35	individual to the legislative office.
36	(b) The secretary of state shall give the notice required by
37	subsection (a) not later than seventy-two (72) hours after the
38	requirements of subsection (a)(1) and (a)(2) are satisfied.
39	Sec. 6. (a) When a circuit court clerk:
40	(1) obtains information concerning the death of an
41	officeholder of a county, city, town, or township not subject to
42	section 3 of this chapter; and



(2) is reasonably satisfied that the information described in subdivision (1) is true; the circuit court clerk shall give notice of the death to the person	
described in subsection (b).	
(b) The circuit court clerk shall give the notice required by	
subsection (a) to:	
(1) the person who must give notice of any meeting or caucus required to fill the vacancy caused by the death; or	
(2) if no meeting or caucus is required to fill the vacancy, the	
person who has the power to fill the vacancy.	
(c) The secretary of state shall give the notice required by	
subsection (a) not later than seventy-two (72) hours after the	
requirements of subsection (a)(1) and (a)(2) are satisfied.	

